

U.S. DEPARTMENT OF LABOR

**SECRETARY OF LABOR
WASHINGTON, D.C.**

In the Matter of)

JANET SYNER,)
Complainant)

v.)

WEST VIRGINIA GOVERNOR'S OFFICE)
OF ECONOMIC AND COMMUNITY)
DEVELOPMENT AND CITY OF ANSTED,)

Respondents.)

Case No. 82-CETA-142

FINAL DECISION AND ORDER

Administrative Law Judge (ALJ) Robert J. Brissenden issued a Decision and Order (D. and O.) in this case arising under the Comprehensive Employment and Training Act (CETA), 29 U.S.C.

§§ 801-999 (Supp. V 1981),^{1/} on August 28, 1985. Exceptions to the ALJ's decision were timely filed and I asserted jurisdiction on October 17, 1985, and gave the parties an opportunity to file briefs, which they did.

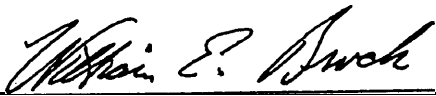
The record in this case has been thoroughly reviewed and I find that the findings of fact and the inferences drawn from them by the ALJ are fully supported by the record and I adopt them. However, I will modify the ALJ's order as discussed below.

The ALJ ordered the City of Ansted to hire Complainant as a police officer and to pay her back pay from March 2, 1981, until

^{1/} CETA was repealed effective October 12, 1982. The replacement statute, the Job Training Partnership Act, 29 U.S.C. §§ 1501-1508 (1982), provided that pending proceedings under CETA were not affected. 29 U.S.C. § 1591(e).

she is so hired. There is no dispute, however, that the **posi-
tion Complainant** applied for was a Public Service Employment
(PSE) position. All PSE positions are limited in duration and,
in this case, the West Virginia Department of Employment Secu-
rity has represented that funding for the position in question
expired on August 31, 1981. Further, there is no evidence in
the record to show that Complainant would have been hired by
the City of Ansted in a full-time nonsubsidized police officer
position after expiration of the PSE funding. I find, therefore,
that Ms. Syner is entitled to back pay at \$4.80 per hour from
March 2, 1981 to August 31, 1981. Furthermore, I hold that the
City of Ansted, West Virginia, the West Virginia Department of
Employment Security and the Governor's Office of Economic and
Community Development are all jointly liable for payment of the
back pay. 29 U.S.C. § 816(d)(1); Action, Inc. v. Donovan,
___ F.2d ___ (10th Cir. 1986) slip. op. at 15; Kentucky v.
Donovan, 704 F.2d 288 (6th Cir. 1983); Milwaukee County v.
United States Department of Labor, 682 F.2d 609 (7th Cir. 1982).
The back pay, of course, is to be paid out of non-CETA funds.
29 U.S.C. § 106(d)(1).

SO ORDERED.



Secretary of Labor

Dated: SEP 11 1986
Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: Janet Syner, Complainant v. West Virginia
Governor's Office of Economic & Community
Development and City of Ansted, Respondents

Case No. : 82-CET-142

Document : Final Decision and Order

A copy of the above-referenced document was sent to the
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